

**Response under 37 C.F.R. § 1.116
- Expedited Examining Procedure -
Examining Group 2622**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Inventor(s):
Marc M. Gibeley et al.

Group Art Unit: 2622

**METHOD OF PROVIDING
PHOTOFINISHING SERVICES**

Examiner: Kelly L. Jerabek

U.S. Serial No.: 10/666,388

Confirmation No.: 7524

Filed: September 91, 2003

Mail Stop - AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE UNDER 37 C.F.R. § 1.116

In response to the Office Action mailed June 13, 2008, kindly
amend the above-identified application, without prejudice, as set forth below:

Amendments to the Claims are reflected in the listing of
claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 8 of this paper.

Amendments to the Claims:

This listing will replace all prior versions and listings of claims in the application:

Listing of Claims:

1. *(Currently Amended)* A method of providing photofinishing services, comprising the steps of:
 - a) supplying to a photographer at least one removable memory device selected from a variety of available formats and having a format appropriate for use in a digital camera provided by the photographer;
 - b) the photographer selectively photographing and storing, and optionally deleting some or all of, a plurality of digital images on the at least one removable memory device;
 - c) the photographer delivering the at least one removable memory device containing undeleted ones of the digital images to a photofinisher, including the steps of the photofinisher reading a code stored on the removable memory device and accessing a database having stored therein data corresponding to the code for verifying that the removable memory device carries with it a commitment to create prints; and
 - d) the photofinisher producing prints of the digital images and returning the prints to the photographer.
2. *(Previously Presented)* The method claimed in claim 1, further comprising the steps of the photofinisher producing an index print and/or CD of the digital images from the at least one removable memory device and returning the index print and/or CD to the photographer.

3. ***(Previously Presented)*** The method claimed in claim 2, wherein the at least one removable memory device contains a number N of digital images and also indicates that a number M of prints have been promised, where M is less than N, but the index print and/or the CD contain all N of the digital images on the at least one removable memory device.

4. ***(Previously Presented)*** The method claimed in claim 3, wherein the index print and/or the CD contain all N of the digital images on the at least one removable memory device and indicates which images have or have not been printed.

5. ***(Canceled)***

6. ***(Canceled)***

7. ***(Previously Presented)*** The method claimed in claim 1, wherein the at least one removable memory device comprises a CF, MMC, SD, xD, or Memory Stick format.

8. ***(Canceled)***

9. ***(Previously Presented)*** The method claimed in claim 1, wherein the at least one removable memory device bears a graphic that indicates to the photofinisher that the device carries with it a commitment to create prints.

10. ***(Previously Presented)*** The method claimed in claim 1, wherein the at least one removable memory device is returned to the photofinisher having a number of stored digital images less than a predefined number of image files, and further including the step of providing a credit to the photographer for a difference between the number of stored digital images and the predefined number.

11. ***(Canceled)***

12. ***(Original)*** The method claimed in claim 10, wherein the credit is in the form of a debit card that is returned with the prints.

13. ***(Previously Presented)*** The method claimed in claim 1, wherein a debit card for photofinishing services is supplied to the photographer along with the at least one removable memory device and the debit card is presented to the photofinisher along with the at least one removable memory device.

14. ***(Previously Presented)*** The method claimed in claim 1, wherein the at least one removable memory device includes a first portion of memory that is electronically readable by a supplier and the photofinisher but not by the digital camera provided by the photographer, and a second portion of memory that is electronically readable by the supplier, the photofinisher, and the digital camera provided by the photographer.

15. ***(Previously Presented)*** The method claimed in claim 14, wherein the first portion of memory contains the code.

16. ***(Previously Presented)*** The method claimed in claim 14, wherein the first portion of memory contains a number indicating a number of times that the at least one removable memory device has been recycled.

17. ***(Previously Presented)*** The method claimed in claim 14, wherein the first portion of memory contains instructions for the photofinisher provided by the supplier.

18. ***(Previously Presented)*** The method claimed in claim 1, further comprising the steps of supplying a claim card for retrieving photofinishing services to the photographer along with the at least one removable memory device and presenting the claim card to the photofinisher to retrieve the photofinishing services.

19. ***(Previously Presented)*** The method claimed in claim 1, further comprising the steps of supplying a removable tag for retrieving photofinishing services to the photographer along with the at least one removable memory device and presenting the removable tag to the photofinisher to retrieve the photofinishing services.

20. ***(Previously Presented)*** The method claimed in claim 1, further comprising the step of writing an identifier unique to the photographer on the at least one removable memory device and presenting the identifier unique to the photographer to the photofinisher to retrieve the photofinishing services.

21. ***(Previously Presented)*** The method claimed in claim 1, further comprising the step of writing a phone number or e-mail address of the photographer on the at least one removable memory device and presenting the phone number or e-mail address to the photofinisher to retrieve the photofinishing services.

22. ***(Previously Presented)*** The method claimed in claim 1, further comprising the step of writing a phone number or e-mail address of the photographer on a photofinishing envelope and presenting the phone number or e-mail address to the photofinisher to retrieve the photofinishing services.

23. ***(Previously Presented)*** The method claimed in claim 1, wherein the step of erasing the digital images from the at least one removable memory device includes writing a test pattern onto the at least one removable memory device.

24. ***(Previously Presented)*** The method claimed in claim 1, wherein the at least one removable memory device includes a digitally stored prerecorded image to be electronically displayed on a display screen of the digital camera provided by the photographer.

25. ***(Previously Presented)*** The method claimed in claim 24, wherein the prerecorded image contains instructions to the photographer for using the photofinishing services.

26. ***(Original)*** The method claimed in claim 24, further comprising the step of selling advertising space in the prerecorded image.

27. ***(Previously Presented)*** The method claimed in claim 1, wherein the at least one removable memory device includes the code in a file hidden from electronic access by the digital camera or in a pseudo bad sector of its memory that is inaccessible electronically by the digital camera.

28. ***(Previously Presented)*** The method claimed in claim 1, further comprising the steps of the photofinisher producing an index print and CD of the digital images from the at least one removable memory device and returning the index print and CD to the photographer, wherein the index print includes a printed filename of a corresponding image file recorded on the CD.

29. ***(Previously Presented)*** The method claimed in claim 1, further comprising the steps of the photofinisher producing at least one print and a CD of the digital images from the at least one removable memory device and returning the at least one print and CD to the photographer, and indicating on the at least one print a filename of a corresponding image file recorded on the CD.

30. ***(Canceled)***

31. **(Currently Amended) Apparatus** An apparatus comprising:
a digital camera including a removable memory card;

the removable memory card comprising a first portion of memory that is electronically readable by a photofinishing services provider but not by the digital camera, and a second portion of memory that is electronically readable by the photofinishing services provider and by the digital camera; and

the first portion of memory comprising a code for indicating to the photofinishing services provider that the removable memory card carries with it a commitment to create prints.

32. **(Previously Presented)** The apparatus of claim 31, wherein the code in the first portion of memory corresponds to a code saved in a database of the photofinishing services provider for verifying that the removable memory card carries with it the commitment to create prints.

33. **(Currently Amended) Apparatus** An apparatus comprising:
a memory card capable of being electronically coupled to a digital

camera;

the memory card comprising a first portion of memory that is electronically readable by a photofinishing services provider but not by the digital camera, and a second portion of memory that is electronically readable by the photofinishing services provider and by the digital camera; and

the first portion of memory comprising a code for indicating to the photofinishing services provider that the memory card carries with it a commitment to create prints.

34. **(Previously Presented)** The apparatus of claim 33, wherein the code in the first portion of memory corresponds to a code saved in a database of the photofinishing services provider for verifying that the memory card carries with it the commitment to create prints.

REMARKS/ARGUMENTS

Claims 1-4, 7, 9, 10, 12-29, and 31-34 are pending in the application. Claims 31 and 33 have been rejected. Claims 32 and 34 have been objected to. Claims 1, 31, and 33 are herewith amended. Claims presently active are claims

1-4, 7, 9, 10, 12-29, and 31-34. Favorable reconsideration of the application in view of the following remarks is respectfully requested

Applicants thank the Examiner for the indication of allowable subject matter.

Claims 31 and 33 have been amended to correct the problems kindly noted by the Examiner. Claim 1 was amended to correct an informality.

Applicants herewith file a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c) to overcome a provisional double patenting rejection based on a non-statutory double patenting ground.

In view of the foregoing remarks and amendment, the claims are now deemed allowable and such favorable action is courteously solicited.

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance; the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Eastman Kodak Company's Deposit Account No. 05-0225.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.